

**California Gambling Control Commission**

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**MINUTES OF MARCH 24, 2011  
COMMISSION MEETING**

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**OPEN SESSION**

1. Call to Order and Pledge of Allegiance.

Chairperson Stephanie Shimazu called the meeting to order at 10:01 a.m., and asked everyone to stand for the Pledge of Allegiance.

2. Roll Call of Commissioners.

Roll Call of Commissioners was taken, with Chairperson Stephanie Shimazu and Commissioners Tiffany Conklin and James Shelby present.

3. Approval of Commission Meeting Minutes for :  
February 23, 2011

Upon motion of Chairperson Shimazu, seconded by Commissioner Shelby and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the meeting minutes for February 23, 2011.

4. Application for Approval of A) Purchase Agreement; and, B) Initial State Gambling License (Pursuant to Business and Professions Code sections 19824(c), 19851, 19852; Title 4 CCR 12342(a)(8)):

A. Delta Casino and Delta Casino, downtown: Delta C, LP/Delta CM, Inc. (Sellers)\*  
John Park (Buyer)

B. Delta Casino and Delta Casino, downtown: John Park, Limited Partner,  
Shareholder

Deputy Director Tina Littleton indicated that staff recommended this item be tabled; and, rescheduled on a future agenda.

Upon concurrence of the Commissioners this item was tabled.

5. Request for Approval of Stock Pledge Agreement (Pursuant to Business and Professions Code sections 19853(a)(6), 19883(a), and 19904):

The Player's Club:        Players Poker Club, Inc.

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the transactional documents.

Commissioner Conklin questioned how the transaction would unwind if after a Players Poker Club default, the Lender (Mr. Finkelstein) applies for a license and is found unsuitable by the Commission.

Mr. Keith Sharp, Designated Agent for Players Poker Club, Inc., indicated that if there is a default, Mr. Finkelstein would have a right to foreclose on the stock, but only after obtaining the proper licensing through the Commission. If Mr. Finkelstein is not found suitable by the Commission, he would not be able to take possession of the gambling establishment.

Upon motion of Commissioner Shelby, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the staff recommendation.

6. Application for Approval of Renewal of State Gambling Licenses (Pursuant to Business and Professions Code section 19876):

Commerce Casino:        California Commerce Club, Inc.\*

Deputy Director Tina Littleton indicated that staff recommended the Commission approve the renewal application for the licensure period of April 1, 2011 through March 31, 2013.

Ms. Lorna Roos and Leslie Stevenson addressed the Commission regarding their objection to the renewal of the Commerce Casino license on the basis that there was criminal activity involving the casino and provided documents for the Commissioner's review (Attachment A). Ms. Roos and Ms. Stevenson requested the Commission wait until a proper investigation could be completed, before approving the renewal for the Commerce Casino license.

Chairperson Shimazu indicated that the Commission does not carry out investigations and therefore the Commission will forward the information to the Bureau of Gambling Control which is part of the Department of Justice.

Mr. Rodney Blonien, on behalf of Commerce Casino, indicated that he had no knowledge of such activity and that this was the first he had heard of any complaint. Mr. Blonien indicated that if the Commission did not approve the renewal application; it would instantly put 2,500 hundred people out of work. Mr. Blonien requested that

the Commission renew the license and in the future if the complaint has merit; then the Commission could consider revocation or some other action.

Upon motion of Commissioner Shelby, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the staff recommendation.

7. Applications for Approval of Initial Key Employee Portable Personal Licenses (Pursuant to Business and Professions Code section 19854):

- A. Geneva Doherty
- B. Jacob Silva

Deputy Director Tina Littleton indicated that the Bureau of Gambling Control recommended the Commission approve the initial applications in items 7A and 7B. Staff has reviewed the Bureau's report, concurred with their recommendations, and recommended approval. Staff further recommended a condition to be placed on Ms. Doherty's license as follows:

*Beginning April 1, 2011, and every 180 days thereafter, Ms. Doherty must submit to the Commission a written update concerning the issue of the outstanding credit accounts currently in collections.*

Upon motion of Commissioner Shelby, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the staff recommendation.

8. Application for Approval to Convert Third Party Provider of Proposition Services Owner Registration to a License (Pursuant to Business and Professions Code section 19984 and CCR, Title 4, section 12218):

Banc, LLC: The Ayjian Family Revocable Trust  
Terry Ayjian, Trustee  
Tiana Nguyen, Trustee

Deputy Director Tina Littleton indicated the Bureau of Gambling Control recommended the Commission approve the conversion applications. Staff has reviewed the Bureau's reports, concurred with their recommendation; and, recommended approval through March 31, 2013 with the following condition:

*Banc, LLC shall not accept any personal loans without first obtaining approval from the California Gambling Control Commission for the transaction.*

Commissioner Shimazu asked if the parties were agreeable to the condition.

## Commission Meeting Minutes of March 24, 2011

Mr. Keith Sharp, Designated Agent for Banc, LLC, indicated that they were agreeable to having a condition but thought the recommended condition was too broad. Mr. Sharp stated that this condition would prohibit Mr. Ayjian from loaning personal sums to the business, which is a common business practice.

Commissioner Shimazu agreed that the condition was broad and would prohibit Mr. Ayjian from loaning money to himself.

Commissioner Conklin suggested an amendment to read: Banc, LLC shall not accept additional person loans from Michael Ayjian and Celeste Ayjian. Commissioner Conklin further indicated that this wording would narrow it down to cover the area of the Commission's concerns.

Upon motion of Commissioner Conklin, seconded by Chairperson Shimazu and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the staff recommendation including the amended condition as follows:

*Banc, LLC shall not accept additional personal loans from Michael and Celeste Ayjian without first obtaining approval from the California Gambling Control Commission for the transaction.*

9. Application for Approval of Conversion of Third-Party Providers of Proposition Player Services /Gambling Business Supervisor/Player Registration to License (Pursuant to CCR, Title 4, sections 12218 and 12233):

Gaming Management, LLC: Player: Ashley Ventura

Deputy Director Tina Littleton indicated the Bureau of Gambling Control recommended that the Commission approve the conversion application. Staff has reviewed the Bureau's report, concurred with their recommendation; and, recommended approval through March 31, 2013.

Upon motion of Commissioner Shelby, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the staff recommendation.

10. Application for Approval of Initial Tribal-State Compact Gaming Resource Supplier Finding of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.5):

Tony de Leon & Associates, Inc.: Anthony de Leon, Sole Owner, President

Deputy Director Tina Littleton indicated the Bureau of Gambling Control recommended that the Commission approve the finding of suitability application with the following condition:

*An unrelated Enrolled Agent or Certified Public Accountant, approved by the Bureau of Gambling Control, shall be engaged to evaluate the tax returns filed by*

Commission Meeting Minutes of March 24, 2011

*Tony de Leon & Associates, and Tony and Kathy de Leon for the years ended 2009, 2008, and 2007 to verify compliance with applicable tax laws. A copy of any and all amended tax returns, or a statement that no such returns are necessary, shall be submitted to the Bureau and the Commission no later than June 30, 2011.*

Staff has reviewed the Bureau's report, concurred with their recommendation; and, recommended approval through the finding of suitable period with a modification to the Bureau's condition as follows:

*An unrelated Enrolled Agent or Certified Public Accountant, approved by the Bureau of Gambling Control, shall be engaged to evaluate the future tax returns filed by Tony de Leon & Associates, and Tony and Kathy de Leon for the years ending in 2010 and 2011 to verify compliance with applicable tax laws. A copy of any and all tax returns for the years ending in 2010 and 2011 shall be submitted to the Bureau and the Commission no later than June 30<sup>th</sup> of the filing year.*

Mr. Anthony De Leon indicated he agreed with the condition, however, he was requesting an extension until October 15, 2011, to submit the information, should the Commission approve the staff's recommended condition.

Chairperson Shimazu asked the Bureau for clarification regarding concerns about the prior years' taxes.

Ms. Dorothy Cooper, Audit Manager, Bureau of Gambling Control, indicated that the Bureau had concerns regarding a tax issue that required expertise that is unavailable at the Bureau which is why the Bureau recommended an Enrolled Agent. Ms. Cooper further indicated that the extension Mr. De Leon is requesting is acceptable to the Bureau.

Chairperson Shimazu expressed concerns regarding the prior years and asked the Bureau if the Commission should look at the going forward years. Ms. Cooper responded that one or two years would be good. Chairperson Shimazu suggested combining the two conditions as read by Ms. Tina Littleton:

*An unrelated Enrolled Agent or Certified Public Accountant, approved by the Bureau of Gambling Control, shall be engaged to evaluate the tax returns filed by Tony de Leon & Associates, and Tony and Kathy de Leon for the years ended 2010, 2009, 2008, and 2007 to verify compliance with applicable tax laws. A copy of any and all amended tax returns, or a statement that no such returns are necessary, shall be submitted to the Bureau and the Commission no later than October 31, 2011.*

Upon motion of Commissioner Shelby, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the staff recommendation including the amended condition as read by Ms. Littleton.

11. Application for Approval of Interim License for Remote Caller Bingo – Fiduciary/Site Manager/Caller (Pursuant to Penal Code section 326.3 and Title 4, California Code of Regulations Section 12498):

Ralph R. Zunker – Site Manager

Deputy Director Tina Littleton indicated that staff recommended the Commission deny the initial interim license application.

Upon motion of Commissioner Conklin, seconded by Commissioner Shelby and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the staff recommendation.

**CONSENT CALENDAR ITEMS:**

12. Request for Approval of Reduction of Permanent Authorized Tables (Pursuant to California Code of Regulations, Title 4, section 12359):

Crystal Casino and Hotel: Celebrity Casinos, Inc.

13. Application for Approval of Interim State Licenses for Bingo Manufacturers and Distributors (Penal Code 326.5 and CCR, Title 4, section 12492):

Gaming Arts, LLC: David S. Colvin, CEO, Sole Member

Robert G. Ducaj, Executive Vice President, General Manager

14. Applications for Approval of Interim Licenses for Remote Caller Bingo – Fiduciary/Site Manager/Caller (Pursuant to Penal Code section 326.3 and Title 4, California Code of Regulations Section 12498):

A. William J. Aubert – Site Manager

B. Rubi DelToro – Site Manager

C. Guy S. Garcia – Site Manager

D. Guillermo G. Hermosillo – Site Manager

E. Jack E. Moss – Site Manager

15. Applications for Approval of Renewal Key Employee Portable Personal License (Pursuant to Business and Professions Code section 19854):

Nenita Taburaza

16. Applications for Approval of Initial Work Permit (Pursuant to Business and Professions Code section 19912):

A. Napa Valley Casino: John Adams, Jr.

B. Old Cayucos Tavern: Michael Porter

C. The 101 Casino: Xiaoxue Tang

D. Outlaws Card Parlour: Kimberly Mowrey

17. Application for Approval of Renewal of Third Party Providers of Proposition Player Services/Gambling Business Supervisor/Player License (Pursuant to California CCR Title 4, sections 12218.8 and 12238).  
Gaming Management, LLC: Manuel Moreno
18. Applications for Approval of Initial Tribal-State Compact Key Employee Findings of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.4):
  - A. Agua Caliente Casino Resort Spa – Agua Caliente Band of Cahuilla Indians:  
Stephen Bendelson      Cynthia Diaz      Leila Emralino  
Juan Munoz      Gregory Pendleton
  - B. Augustine Casino - Augustine Band of Cahuilla Mission Indians:  
Jessica Basa
  - C. Bear River Casino - Bear River Band of the Rohnerville Rancheria:  
Catherine Churchill      Nina Fry(**Tabled**)      Glenn Keisner, Jr.
  - D. Casino Pauma – Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation:  
Melissa Flores
  - E. Chumash Casino Resort – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:  
Randy De La Pena
  - F. Colusa Casino Resort – Cachil Dehe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:  
Gary Evans, II      Josiah Westby
  - G. Fantasy Springs Resort Casino – Cabazon Band of Mission Indians:  
William Moy
  - H. Morongo Casino Resort & Spa – Morongo Band of Cahuilla Indians of the Morongo Reservation:  
Erwina Laurent
  - I. Pala Casino Spa Resort – Pala Band of Mission Indians:  
Monica Hewson      Jeffrey Kroman      Quinn Phillips
  - J. Pechanga Resort & Casino – Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:  
Stephanie Breci
  - K. Quechan Casino Resort - Quechan Tribe of the Fort Yuma Indian Reservation:  
Donald Ayers
  - L. Red Hawk Casino – Shingle Springs Band of Miwok Indians:  
Luis Murillo
  - M. River Rock Casino – Dry Creek Rancheria Band of Pomo Indians:  
Benjamin Abbott      Wendy Eastridge (**Tabled**)
  - N. Table Mountain Casino - Table Mountain Rancheria:  
Vanthan Sea
  - O. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:  
Cynthia Simpson

19. Applications for Approval of Renewal Tribal-State Compact Key Employee Findings of Suitability (Pursuant to the Tribal-State Gaming Compact, section 6.4.4):

- A. Augustine Casino - Augustine Band of Cahuilla Mission Indians:  
Kevin Darcy                      Veronica Flores                      Rosario Garcia  
Annabeli Iglesias                      Angie Lam                      Leonel Posada  
Sandra Rodriguez
- B. Barona Resort and Casino - Barona Band of Mission Indians:  
Woodrow Coplin
- C. Blue Lake Casino and Hotel - Blue Lake Rancheria:  
Steven Salatti
- D. Cache Creek Casino Resort – Yocha Dehe Wintun Nation:  
Karry Chao                      Kho euth Khorn                      Vinh Lao  
Francine Marsh                      John McMinn                      John Saelee  
Suzanne Vince
- E. Chukchansi Gold Resort and Casino – Picayune Rancheria of the Chukchansi Indians:  
Thao Lee                      Xavier Salinas, Jr.                      Sabrina Weaver
- F. Chumash Casino – Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:  
Dennis Ardenio                      Wayne Cloward                      Vincent Deluna  
Jennifer Figueroa                      Ted Funkhouser                      Guy Galbois  
Wayne Hurte                      Jean Mendoza                      Phillip Mendoza  
Belinda Miranda                      Brittany Rehr                      Billy Robertson  
Fidel Terrones, Jr.
- G. Diamond Mountain Casino and Hotel – Susanville Indian Reservation:  
Campbell Jamieson
- H. Elk Valley Casino – Elk Valley Rancheria:  
Kristy Campbell
- I. Jackson Rancheria Casino & Hotel – Jackson Rancheria Band of Miwuk Indians:  
Shelby Bennett                      Catherine Sarno
- J. Konocti Vista Casino – Big Valley Band of Pomo Indians of the Big Valley Rancheria:  
Lisa England
- K. Lucky 7 Casino – Smith River Reservation:  
Terry Westrick
- L. Mono Wind Casino – Big Sandy Rancheria Band of Western Mono Indians:  
Patricia Whitehead
- M. Paiute Palace Casino – Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony:  
Wilfredo Pascual
- N. Pala Casino Spa Resort – Pala Band of Mission Indians:  
George Andrews                      Michael Crenshaw                      Harry Johnson  
Amity Nickell                      Curtis Wood
- O. San Manuel Indian Bingo and Casino – San Manuel Band of Serrano Mission Indians of the San Manuel Reservation:  
Paul Butrakunha                      Frank Catalano                      William Courtney, II



Commission Meeting Minutes of March 24, 2011

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| Taunya Dodson  | Erwin Guevarra | Stephanie Johnson |
| Shirley Knight | Samez Lim      | Linda Malone      |
| Gary Miller    | Paul Muehter   | Patricia Ramirez  |
| Scott Robinett | Yong Sun       |                   |
- P. Soboba Casino - Soboba Band of Luiseno Indians:
- |                |                  |              |
|----------------|------------------|--------------|
| Carole Bennett | Michael Castello | Tammy Eyler  |
| Joseph Mujica  | David Newman     | Lumilda Ruiz |
- Q. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:
- |                   |                  |               |
|-------------------|------------------|---------------|
| Deon Calderon     | Mary Johnson     | Karla Kezis   |
| Marco Machuca     | Richard Montigny | Gabriel Saenz |
| Rena Salgado      | Thomas Sedlock   | Osualdo Soliz |
| Charles Whittaker |                  |               |
- R. Table Mountain Casino - Table Mountain Rancheria:
- |                |               |  |
|----------------|---------------|--|
| Pickkham Olaes | Michelle Reid |  |
|----------------|---------------|--|
- S. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:
- |               |                 |              |
|---------------|-----------------|--------------|
| Robert Angus  | Consortio Digal | John Elledge |
| Kelley Guasp  | Farid Haddad    | Jeffrey Heil |
| Ricky Saechao | Kao Saelee      | Andrew Swift |
| Sam You       |                 |              |
- T. Valley View Casino & Hotel – San Pasqual Band of Diegueno Mission Indians:
- |                    |                   |                    |
|--------------------|-------------------|--------------------|
| Wilven Addenbrooke | Tuan Bui          | Imelda De La Torre |
| Timothy Evans      | Afshin Khosravi   | Lenora Morales     |
| Khongkham Onepeng  | Gina Peden-Mudrak |                    |
- U. Viejas Casino - Viejas Band of Kumeyaay Indians:
- |                   |              |               |
|-------------------|--------------|---------------|
| Gilbert Hill      | David Martin | Harry Lockett |
| Robert Lukianczyk |              |               |

Deputy Director Tina Littleton indicated staff recommended tabling agenda item 18C (Nina Fry) as she is no longer employed. Ms. Littleton further indicated that staff recommended the Commission approve consent calendar items 12 through 19 including the placement of a condition on the finding of suitability for Wendy Eastridge (item 18M) as follows:

*Beginning May 1, 2011 and every 180 days thereafter, Ms. Eastridge must submit to the Commission a written update concerning the payments due for outstanding tax lien.*

Upon motion of Chairperson Shimazu, seconded by Commissioner Conklin and unanimously carried in a vote by roll call with Chairperson Shimazu and Commissioners Conklin and Shelby voting yes, the Commission approved the staff recommendation.

**CLOSED SESSION:**

Chairperson Shimazu recessed the Commissioners to closed session at 10:22 a.m. to discuss the following closed session items:

## Commission Meeting Minutes of March 24, 2011

- A. *California Valley Miwok Tribe v. The California Gambling Control Commission*; San Diego County Superior Court (37-2008-00075326-CU-CO-CTL).
- J. *Alturas Indian Rancheria, v. Kenneth L. Salazar, Secretary of the Interior et al.*, U.S. Dist. Court, E.D. California (2:10-cv-01197-LKK-EFB)

### **RECONVENE TO OPEN SESSION:**

Chairperson Shimazu reconvened to open session at 11:10 a.m. Mr. Joe Dhillon, Chief Counsel indicated that no action was taken on either item.

- 20. Consideration for Possible Approval of Revenue Sharing Trust Fund Distribution (Tribal-State Gaming Compact section 4.3.2.1 and Government Code section 12012.75)
  - A. Alturas Indian Rancheria
  - B. Death Valley Timbi-Sha Shoshone Band of California

Mr. Jason Pope, Staff Counsel indicated that as of the last quarterly Revenue Sharing Trust Fund distribution in January the Commission continued to elect to withhold the funds from these tribes for a lack of clarity as to the identity and make-up of the respective tribal government due to ongoing tribal leadership disputes. Mr. Pope further indicated that since January the Commission has received additional and conflicting information regarding the tribes and their respective governments and that both tribes had requested to appear before the Commission.

Mr. Richard Armstrong, representing the business committee of the Alturas Indian Rancheria, reference documentation given to the Commission from Chairman DelRosa outlining the recognized methodology that the tribe expects the Commission to apply with respect to the tribe's rightful amount of the Revenue Sharing Trust Fund distributions. Mr. Armstrong argued that the criteria have been met to receive Revenue Sharing Trust Funds: the tribe is federally recognized, there is an elected business committee, and there have been timely certifications with respect to the tribes' operation of fewer than 350 devices over the time period in question. Mr. Armstrong referenced an order from the Department of the Interior, Bureau of Indian Affairs dated March 14, 2011 and the possible confusion created in the wake of the March 4, 2011 letter from the Regional Director of the Department of the Interior, Bureau of Indian Affairs with regards to the element of recognized, elected tribal leadership. Mr. Armstrong stated that the tribe has filed a motion for reconsideration of the March 14, 2011 Department of the Interior, Bureau of Indian Affairs order.

Mr. Armstrong suggested that if the Commission is still uncomfortable with whom to send the distribution check, then he is requesting the Commission table the matter until further review.

Mr. Steven Bloxham, representing the Alturas Indian Rancheria, Rose Administration which Mr. Bloxham indicated was the majority of the tribe. Mr.

Bloxham argued that this tribe's governing body is vested in the adult membership of the tribe. Mr. Bloxham stated that the split is that his clients think that they represent the majority of the tribe, the majority of its' governing body and Mr. Armstrong represents the business committee, which is a subordinate committee elected by the general council. Mr. Bloxham indicated that they believe the Revenue Sharing Trust Funds should be distributed to the tribe and appreciate that they should be sent to the authorized legal representatives of the tribe. Mr. Bloxham argued that if the check were made out to the Alturas Indian Rancheria, the bank and post office would know where it goes. Mr. Bloxham indicated the tribe has filed a law suit to get a resolution and they understand that the Commission is looking for a definitive answer from the Bureau of Indian Affairs as to who they recognize as the legitimate representative of the tribal government. Mr. Bloxham further indicated that there would be a hearing in the U.S. District court in Sacramento on Monday, March 28, 2011 with five separate motions, including the DelRosa faction, members of the business committee. Mr. Bloxham suggested that the Commission wait until the outcome of the hearing before making any decision on this matter.

Chairperson Shimazu commented that the Commission still does not have definitive information and recommended the Commission table this item.

Upon concurrence of the Commissioners, the item was tabled.

### **Death Valley Timbi-Sha Shoshone Band of California**

Mr. John Peebles, on behalf of George Gholson and his tribal council, believes the Timbi-Sha meets all three requirements. He stated that there is no question that the tribe is federally recognized; there is no question that the tribe does not have a compact with the State of California. Mr. Peebles further indicated that the matter of who the governing body is has been resolved by the United States Department of the Interior. The Department of the Interior has recognized, for the purposes of essential governmental functions and for conducting an election, the council led by George Gholson. Mr. Peebles stated that he believes that is all that needs to be done.

Mr. George Gholson indicated that the only people who are authorized to hold an election are the tribal council. Mr. Gholson further indicated the only people who can hold a position on the council are people who have been elected by the general council which is the governing authority for the tribe. Mr. Gholson continued that it was through election that he was appearing before the Commission and speaking for the tribe.

Commissioner Conklin asked about the tribes' frozen assets and if the Revenue Sharing Trust Fund distribution would also be frozen if the Commission released it to the tribe.

## Commission Meeting Minutes of March 24, 2011

Mr. Gholson indicated the assets were frozen because there was a split in the council and the banks were not clear on who had the authority. Now the tribe has five recognized individuals who are on the same side. Therefore, the odds of the distribution being frozen are unlikely.

Mr. Peebles indicated that the issue of who the recognized government is has been concluded with the determination of the Secretary of the Interior that Mr. Gholson's council is the government.

Chairperson Shimazu asked if the federal funds have been released. Mr. Peebles said they are still going through the process to have the funds released.

Mr. Gholson indicated that the election is scheduled for April 29, 2011 and they are looking at the Carter Center to oversee the election.

Chairperson Shimazu asked if the election has to be certified. Mr. Gholson responded that the election will be certified most likely by the Bureau of Indian Affairs.

Mr. Jeff Keohane, representing the tribal council led by Joe Kennedy, indicated that their position is that as the only continuously elected tribal council, Mr. Kennedy's council is still the legitimate tribal council. Mr. Keohane further indicated that they do not believe the Department of the Interior's decision is an across the board recognition of Mr. Gholson's council. Mr. Keohane argued that the recognition was for the sole purpose of conducting an election and for a limited time of 120 days. Mr. Keohane addressed Commissioner Conklin's question indicating there is no reason to be optimistic about the accounts being unfrozen. The accounts were frozen at a time when the Bureau of Indian Affairs recognized Joe Kennedy as the Chairman. Due to a settlement with the Internal Revenue Service that has not been paid, the Internal Revenue Service has been levying accounts and even federal funds have not been immune to the levies. Mr. Keohane requested that the Commission wait until the outcome of the tribal election, the election certification and for the Bureau of Indian Affairs to recognize the outcome of the election.

Chairperson Shimazu recommended the Commission table the item until after the election and when the Commission has more information.

Upon concurrence of the Commissioners, the item was tabled.

### **PUBLIC COMMENT**

Ms. Silvia Burley, who indicated she was the Chairperson of the California Valley Miwok Tribe, introduced Saba Bazzazieh to speak on behalf of the tribe who indicated she was the attorney for the tribe.

## Commission Meeting Minutes of March 24, 2011

Ms. Saba Bazzazieh presented comment on the resolution of the tribal leadership on December 22, 2010. Ms. Bazzazieh referenced a decision by the Assistant Secretary of Indian Affairs, for the Department of the Interior, Larry Echohawk which definitively reaffirmed the tribe's governing body and leadership. This resulted in the Bureau of Indian Affairs immediate resumption of government to government relationships with the tribe and the United States. The Bureau of Indian Affairs certified the election held in January 2011 and the PL638 contract has been resumed and funds have been released by the Bureau of Indian Affairs to the tribe. The tribe believes the Commission should act consistent with the federal government and the Bureau of Indian Affairs and resume its' distribution of the Revenue Sharing Trust Funds. Ms. Bazzazieh further indicated that on March 11, 2011 the tribe received an Order from the California Superior Court, ordering the Commission to release the tribe's Revenue Sharing Trust Fund distributions. The tribe now has clear direction from the Department of the Interior and a court Order, yet the funds still have not been released. Ms. Bazzazieh commented that representatives from the Commission have expressed concerns that the Commission would be exposing itself to liability, should it release the Revenue Sharing Trust Fund payments. Ms. Bazzazieh stated that the concerns are not warranted because the court Order says that the Commission is protected by the December 22, 2010 final agency action which establishes the tribe's membership, governing body and leadership. Ms. Bazzazieh urged the Commission to act consistent with the federal government directive, the Bureau of Indian Affairs actions and with the court Order to take action to immediately release the tribes Revenue Sharing Trust Fund distributions.

Mr. Rodney Blonien, on behalf of Commerce Casino, commented that the source of the complaint brought to the Commission by Lorna Roos and Leslie Stevenson is rooted in unresolved divorce issues between Michael and Lorna Roos and that the Commerce Casino is only tangentially involved. Mr. Blonien stated that Mr. Roos has never been on the Board of Directors; has never been an officer of the corporation, and, has never served in any management position or on any committees at the Commerce Casino.

Mr. Richard Armstrong commented regarding the addition of urgent matters on the Commission's agenda and stated that two tribes have requested being added to the agenda and were denied. Mr. Armstrong expressed that if a tribe respectfully requests being added to the agenda for an urgent emergency matter that the addition should be provided and given due process.

### **ADJOURNMENT**

Chairperson Shimazu adjourned the meeting at 12:04 p.m.